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HICKMAN PALERMO TRUONG & BECKER, LLP				BHATIA, AJAY M
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DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/885,633	ELVING, CHRISTOPHER H.	
	Examiner Ajay M. Bhatia	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 February 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 13-21 and 25-27 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 13-21 and 25-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Arguments

Applicant's arguments filed 2/21/06 have been fully considered but they are not persuasive.

Applicant argues the insertion of data structure in which the buffers are inserted. Applicant fails to point to where in the specification this is accomplished. Specifically insert in computer program which the present invention is based upon insertion does not occur in physical encapsulation in a runtime environment of one object of another, insertion is one object is pointed to in memory of the other feature which make apart of the data which us is part of the data structure. This how insertion occurs with interchangeable part, which Pang teaches insertion with the use of pointer (Col. 5 lines 38-58). According to applicant argument in order to operate accordingly would require the program to be remade every time a website is added to taken away which the specification does not support. Additionally applicant argues that his invention is figure 2A and has pointed this out multiple times in prosecution but continually fails to claim all the feature of figure 2A in the claim limitations. (Data Structures and Algorithms in C++ by Adam Drozdek) show the significance of runtime allocation, which Pang supports show it is unpatentable over Pang in view of APAA in further view of Java Network Programming how it does not differ from what is supported in the specification for the current claim limitations.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9,13-21, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pang et al. (referred to as Pang, U.S. Patent 6,493,837 in view of applicant's own admitted prior art. This rejection makes use of admission by applicant; applicant may wish to review this in the MPEP, in further view of v. (See MPEP § 2129)

For claim 1, Pang teaches, a method for dynamically allocating data buffers to a data structure, comprising the computer-implemented steps of:

assigning a logging thread to said data structure, wherein said logging thread is configured to insert free data buffers into said data structure; and (See Pang, Col. 5 line 66 to Col. 6 line 4)

monitoring an amount of log data that is being stored within data buffers associated with said data structure; (See Pang, Col. 5 line 66 to Col. 6 line 4)

based on the amount of log data that is being stored within said data buffers, determining whether additional data buffers need to be linked into said data structure; wherein the step of monitoring an amount of log data comprises the step of said logging thread said data buffers associated with said data structure are determined to be full. (See Pang, Col. 7 line 65 to Col. 8 line 32, Col. 5 lines 1-26, Col. 6 lines 27-40, Col. 5 line 66 to Col. 6 line 12)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers; that are within a free buffer pool, be inserted into different data structures of a plurality of data structures, and (See Pang, Col. 6 lines 4-13)

linking said one or more free data buffers into said data structure. (See Pang, Col. 6 lines 4-13)

Pang fails to clearly disclose, tracking how often, and buffer that are each of which is associated with a different web site

tracking how often, (Java Network Programming, "long elapsesTime= (end.getTime()-start.getTime())/1000); System.out.println("Elapsed time: " + elapsedTime + "seconds" ") which prints out the amount of time it take to accomplish a task on a webserver)

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buffer that are each of which is associated with a different web site., (see Applicants application, paragraph 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the applicants admitted prior art with Pang and with the Java Networking Programming, because one of ordinary skill in the art at the time of the specification would be aware that by implementing Pang with Java Networking Programming and applicants admitted prior art would create a faster web domain logging system that make use of threads, in addition to portability that java allows. (Java), (Col. 1 lines 58-67)

For claim 2, Pang-APA-Java teaches, the method of Claim 1, further comprising the steps of :

receiving requests for content that is associated with a web site domain; (See Pang, Col. 5 lines 2-15) and (see Applicants application, paragraph 7)

generating log data based on the requests; and (See Pang, Col. 5 lines 2-15)

writing said log data in one or more data buffers associated with said data structure. (See Pang, Col. 5 lines 2-25)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For Claim 3, Pang-APA-Java teaches, the method of claim 2, wherein the step of monitoring an amount of data that is being stored within data buffers includes the step of tracking how many requests are being received for content that is associated with said web site domain. (see Applicants application, paragraph 3)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 2.

For claim 4, Pang-APA-Java teaches, the method of claim 1, further comprising the steps of:

determining that a particular data buffer should be removed from said data structure; (See Pang, Col. 6 lines 14-20)

unlinking said particular data buffer from said data structure; and (See Pang, Col. 6 lines 14-26)

inserting said particular data buffer into a ready-to-write buffer list. (See Pang, Col. 6 lines 14-26)

For claim 5, Pang-APA-Java teaches, the method of claim 4, wherein the step of determining that a particular data buffer should be removed comprises the step of detecting that said particular data buffer is full. (See Pang, Col. 6 lines 1-13)

For claim 6, Pang-APA-Java teaches, the method of claim 4, wherein the step of determining that a particular data buffer should be removed comprises the step of detecting that said particular data buffer has not been removed from said data structure for a particular period of time. (See Pang, Col. 5 lines 20-26)

For claim 7, Pang-APA-Java teaches, the method of Claim 4, further comprising the steps of:

removing said particular data buffer from said ready-to-write buffer list, wherein said ready-to-write buffer list is located within a first memory area; (See Pang, Col. 5 lines 12-25)

storing log data information in said particular data buffer to a second memory area, wherein said second memory area is distinct from said first memory area; and (See Pang, Col. 5 lines 12-25)

inserting said particular data buffer into said free buffer pool. (See Pang, Col. 5 lines 7-12) and (see Applicants application, paragraph 7)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 7.

For claim 8, Pang-APA-Java teaches, the method of Claim 7, wherein:

the step of identifying one or more free buffers comprises the step of selecting one or more free buffers from said free buffer pool; and (See Pang, Col. 6 lines 4-13)

the step of linking said one or more free data buffers into said data structure comprises the steps of, (See Pang, Col. 6 lines 4-13)

identifying one or more entries in said data structure; and (See Pang, Col. 6 lines 4-13)

linking said one or more free data buffers into said one or more entries in said data structure. (See Pang, Col. 6 lines 4-13)

For claim 9, Pang-APA-Java teaches, the method of Claim 4, wherein:

inserting said particular data buffer into a ready-to-write buffer list. (See Pang, Col. 6 lines 14-26)

said log data is generated based on request that are received for content associated with a particular web site domain; and (See Pang, Col. 5 lines 2-15) and (see Applicants application, paragraph 7)

said step of inserting said particular data buffer comprises the step of linking said particular data buffer into a queue that maintains only data buffers that contain log data associated with requests for said particular web site domain. (See Pang, Col. 5 lines 38-58) and (see Applicants application, paragraph 7)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 9.

For claim 13, Pang-APA-Java teaches, a computer-readable medium carrying one or more sequences of instructions for dynamically allocating data buffers to a data structure, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

assigning a logging thread to said data structure, wherein said logging thread is configured to insert free data buffers into said data structure; and (See Pang, Col. 5 line 66 to Col. 6 line 4)

monitoring an amount of log data that is being stored within data buffers associated with said data structure; wherein the step of monitoring an amount of log data comprises the step of said logging thread tracking how often said data buffers associated with said data structure are determined to be full (See Pang, Col. 7 line 65 to Col. 8 line 32, Col. 5 lines 1-26, Col. 6 lines 27-40, Col. 5 line 66 to Col. 6 line 12)

based on the amount of log data that is being stored within said data buffers, determining whether additional data buffers need to be linked into said data structure; (see Pang, Col. 6 lines 4-13)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers that are within a free buffer pool, wherein said free buffer pool maintains free data buffers that may be inserted into different data structures of a plurality of data structures, each of which is associated with a different web site domain; (See Pang, Col. 6 lines 4-13) and (see Applicants application, paragraph 7)

and linking said one or more free data buffers into said data structure. (See Pang, Col. 5 line 66 to Col. 6 line 4)

The same motivation that was utilized in the rejection of claim , applies equally as well to claim 13.

For claim 14, Pang-APA-Java teaches, the computer-readable medium of Claim 13, further comprising instructions for performing the steps of:

receiving requests for content that is associated with a web site domain; (See Pang, Col. 5 lines 2-15) and (see Applicants application, paragraph 7)

generating log data based on the requests; and (See Pang, Col. 5 lines 2-15)

writing said log data in one or more data buffers associated with said data structure. (See Pang, Col. 5 lines 2-25)

The same motivation that was utilized in the rejection of claim 1 applies equally as well to claim 14.

For claim 15, Pang-APA-Java teaches, the computer-readable medium of claim 14, wherein the step of monitoring an amount of data that is being stored within data buffers includes the step of tracking how many requests are being received for content that is associated with said web site domain. (see Applicants application, paragraph 3) and (See Pang, Col. 5 line 66 to Col. 6 line 4)

The same motivation that was utilized in the rejection of claim 15, applies equally as well to claim 1.

For claim 16, Pang-APA-Java teaches, the computer-readable medium of claim 13, further comprising instructions for performing the steps of:

determining that a particular data buffer should be removed from said data structure;
(See Pang, Col. 6 lines 14-26)

unlinking said particular data buffer from said data structure; and (See Pang, Col. 6 lines 14-26)

inserting said particular data buffer into a ready-to-write buffer list. (See Pang, Col. 6 lines 14-26)

For claim 17, Pang-APA-Java teaches, the computer-readable medium of claim 16, wherein the step of determining that a particular data buffer should be removed comprises the step of detecting that said particular data buffer is full. (See Pang, Col. 6 lines 1-13)

For claim 18, Pang-APA-Java teaches, the computer-readable medium of claim 16, wherein the step of determining that a particular data buffer should be removed comprises the step of detecting that said particular data buffer has not been removed from said data structure for a particular period of time. (See Pang, Col. 5 lines 20-26)

For claim 19, Pang-APA-Java teaches, the computer-readable medium of Claim 16, further comprising instructions for performing the steps of: removing said particular data buffer from said ready-to-write buffer list, wherein said ready-to-write buffer list is located within a first memory area; (See Pang, Col. 5 lines 12-25)

storing log data information in said particular data buffer to a second memory area, wherein said second memory area is distinct from said first memory area; and (See Pang, Col. 5 lines 12-25)

inserting said particular data buffer into said free buffer pool. (See Pang, Col. 5 lines 7-12) and (see Applicants application, paragraph 7)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 19.

For claim 20, Pang-APA-Java teaches, the computer-readable medium of Claim 19,
wherein:

the step of identifying one or more free buffers comprises the step of selecting one or
more free buffers from said free buffer pool; and (See Pang, Col. 6 lines 4-13)

the step of linking said one or more free data buffers into said data structure comprises
the steps of, (See Pang, Col. 6 lines 4-13)

identifying one or more entries in said data structure; and (See Pang, Col. 6 lines 4-13)

linking said one or more free data buffers into said one or more entries in said data
structure. (See Pang, Col. 6 lines 4-13)

For claim 21, Pang-APA-Java teaches, the computer-readable medium of Claim 16,
wherein:

said log data is generated based on request that are received for content associated
with a particular web site domain; and (See Pang, Col. 5 lines 2-15) and (see
Applicants application, paragraph 7)

said step of inserting said particular data buffer comprises the step of linking said
particular data buffer into a queue that maintains only data buffers that contain log data

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associated with requests for said particular web site domain. (See Pang, Col. 5 lines 38-58) and (see Applicants application, paragraph 7)

The same motivation that was utilized in the rejection of claim 1, applies equally as well to claim 21.

For claim 25, Pang-APA-Java teaches, a method for processing requests for content that is associated with different website domains, the method comprising:
receiving at a web server, a first request for access to first content that is associated with a first web site domain of plurality of web site domains; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)
queuing the first request within a connection queue; (Pang, figure, 2, Col 5 line 38 to Col. 6 line 13, Java, paragraph 3 and 7 of applicants admitted prior art)
assigning a first server thread of a plurality of server threads to service the first request; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)
in response to being assigned a task of service the first request, the first server thread determining to which website domain of the plurality of website domains the first request is related; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)
the first server thread loading the first configuration data for the first website domain in response to determining that the first request is related to the first web site domain, wherein, by loading the first configuration data, the first server thread is temporarily

configured as a server thread that is dedicated to servicing requests for content that is available within the first website domain; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the first server thread generating the first log data based on the first content, wherein the first log data includes information that identifies a first webpage that was request within the first web site domain; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the first server thread selecting, from among a plurality of buffer files, a first buffer file that is associated with the first web site domain; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the first server thread selecting a first buffer from among a plurality of buffers within the first buffer files; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the first server thread writing the first log data into the first buffer; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

a logging thread selecting, from among, a plurality of physical log files, a first physical log file that is associated with the first buffer file, wherein each physical log file of the plurality of physical log files is associated with a separate buffer file of the plurality of buffer files; (Pang, Col 5 line 38 to Col. 6 line 13, Java, paragraph 3 and 7 of applicants admitted prior art)

a logging thread storing, into the first physical log file, information contained within the first buffer, receiving at the web server, a second request for access to second content

that is associated with a second web site domains, wherein the second web site domain is separate from the first web site domain; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

queuing the second request within the connection queue; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

assigning a second server thread of the plurality of server thread is separate from and executes concurrently with the first server thread; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

in response to being assigned a task of servicing the second request, the second server thread deterring to which website domain of the plurality of web site domains the second request is related; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the second server thread loading second configuration data for the second web site domain in response to determine the that the second request is related; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the second server thread loading second configuration data for the second website domain in response to determining that the second request is related to the second website domain, wherein, by loading the second configuration data differs from the first configuration data; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the second server thread generating second log data based on the second content, wherein the second log data includes information that identifies a second web page that

was requested within the second website domain; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the second server thread selecting, from among the plurality of buffer files a second buffer file that is associated with the second web site domain, wherein the second buffer file contains buffers that are to be user for log data that is associated with the second web site domain, wherein the second buffer file differ from the first buffer file; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the second server thread selecting a second buffer from among a plurality of buffers within the second buffer file; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

the second server thread writing the second log data into the second buffer; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

a logging thread selecting, from among the plurality of physical log files, a second physical log file that is associated with the second buffer file, wherein the second physical log file is separated from the first physical log file; (Pang, Col 5 line 38 to Col. 6 line 13, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

and a logging thread storing into the second physical log file, information contained within the second buffer. (Pang, Col 5 line 38 to Col. 6 line 13, Col 5 line 38 to Col. 6 line 13, Java, paragraph 3 and 7 of applicants admitted prior art)

For claim 26, Pang-APA-Java teaches, the method of Claim 25, further comprising:

a logging thread determining whether to remove the first buffer from a buffer array that is contained in the first buffer file, wherein determining whether to remove the first buffer is based on at least one of (a) an amount of freed space that is left within the first buffer and (b) an amount of time that the first buffer had been linked within the buffer array; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art) in response to logging thread determining that the first buffer should be removed from the buffer array, a logging thread moving the first buffer from the buffer array to ready-to-write buffer list that is contained in the first buffer file. (Pang, Col 5 line 38 to Col. 6 line 13, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

For claim 27, Pang-APA-Java teaches, the method of Claim 25, further comprising:
a logging thread determine whether a current time of day is specified time of day; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art) in response to a logging thread determining the current time of day is the specified time of day, a logging thread determining whether the first buffer contains log data; (Pang, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)
and in response to logging thread determining hat the first buffer contains log data as the specified time of day, a logging thread moving the first buffer from a buffer array, which is contained in the first buffer file, to a ready-to-write buffer lost that is contained in the first buffer file. (Pang, Col 5 line 38 to Col. 6 line 13, Col. 5 lines 2-15, Java, paragraph 3 and 7 of applicants admitted prior art)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Cardone
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Art Unit 2145

AB


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SUPERVISORY PATENT EXAMINER